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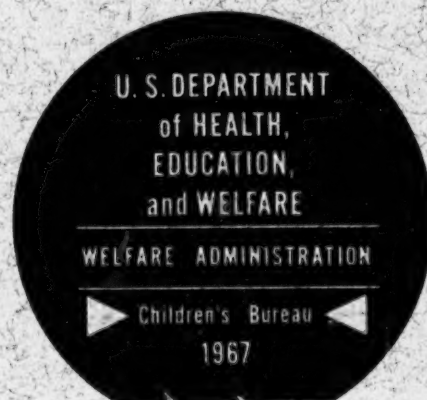
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The texts of laws relating to phenylketonuria are presented for the 37 states having such legislation in November 1966. (LE)

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PHENYLKETONURIA
as of November 1966

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**U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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**STATE LAWS
PERTAINING TO
PHENYLKETONURIA
as of
NOVEMBER 1966**

**U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
WELFARE ADMINISTRATION • Children's Bureau • 1967**

Because of the interest in legislation relating to screening for phenylketonuria (PKU), the Children's Bureau in 1965 published a compilation, STATE LAWS PERTAINING TO PHENYLKETONURIA AS OF JANUARY 1965.

Popular concern with legislation relating to PKU has continued; by November 1966, 37 States had enacted legislation. The texts of these laws are presented here for informational purposes.

Although many States have laws relating to screening, programs can be, and have been, organized in other States without legislation, and in some instances the program preceded the law.

The Children's Bureau stresses the importance of a well-functioning program in every State to insure that all newborn infants are screened for PKU and that adequate follow-up services are provided when necessary. To assist in developing these programs, the Bureau has issued RECOMMENDED GUIDELINES FOR PKU PROGRAMS, copies of which are available upon request.

ALABAMA

Acts of Ala. No. 885 (1965)

Sec. 58(1). Testing of infants for phenylketonuria; objection of parents; rules and regulations. -- (a) It shall be the duty of the administrative officer or other person in charge of each institution caring for infants twenty-eight days or less of age, or the physician attending a newborn child, or the person attending a newborn child that was not attended by a physician, to cause to have administered to every such infant or child in his care a reliable test for phenylketonuria (PKU), such as the Guthrie test or any other test considered equally reliable by the state board of health. Testing and the recording of the results of such tests shall be performed at such times and in such manner as may be prescribed by the state board of health. Provided, that no such test shall be given to any child whose parents object thereto on the grounds that such tests conflict with their religious tenets and practices.

(b) The state board of health shall promulgate such rules and regulations as it considers necessary to provide for the care and treatment of those newborn infants whose tests are determined positive, including but not limited to advising dietary treatment for such infants. The state board of health shall promulgate any other rules and regulations necessary to effectuate the provisions of this section. (1965, No. 885, effective Nov. 1, 1965.)

ALASKA

Alaska Stat. Sec. 18.15.200 (1965)

Sec. 18.15.200. Screening infants for phenylketonuria. (a) A physician who delivers or attends a newborn infant in a hospital in this state shall test the infant for phenylketonuria (PKU) by use of the inhibition assay method or by the latest methods available.

(b) The test for phenylketonuria is not required for an infant whose parents consider the test to conflict with their religious tenets and practices.

(c) Notation that a test for phenylketonuria has been made shall be entered on the birth certificate for the infant.

(d) A physician shall report a confirmed case of phenylketonuria to the department.

(e) In this section, "physician" means a doctor of medicine licensed to practice medicine in this state or an officer in the regular medical service of the armed forces of the United States or the United States Public Health Service assigned to duty in the state. (Sec. 1 ch 90 SLA 1965)

CALIFORNIA

Cal. Health and Safety Code Sec. 280 (Supp. 1965)

Sec. 280. Detection of preventable heritable disorders; tests and regulations; reports; objections

It is the policy of the State of California to make every effort to detect, as early as possible, phenylketonuria and other preventable heritable disorders leading to mental retardation or physical defects.

The State Department of Public Health shall have the responsibility of designating tests and regulations to be used in executing this policy. Such tests shall be in accordance with accepted medical practices and shall be administered to each child born in California at such time as the department has established appropriate regulations and testing methods.

The department shall inform all hospitals or physicians, or both, of required regulations and tests and may alter or withdraw any such requirements whenever sound medical practice so indicates.

The department shall report to the Governor and the Legislature semiannually as to the progress and effect of testing programs. The first such report shall be delivered by January 30th, 1966.

The provisions of this section shall not apply if a parent or guardian of the newborn child objects to a test on the ground that the test conflicts with his religious beliefs or practices. (Added Stats. 1965, c. 1329.)

COLORADO

Sess. Laws of Colo. ch. 182 (1965)

PHENYLKETONURIA

Section 1. -- Legislative declaration. -- The general assembly hereby declares that as a matter of public policy of this state and in the interest of public health, every newborn infant should be tested for phenylketonuria and other metabolic defects in order to prevent mental retardation resulting therefrom; and that the people of this state should be extensively informed as to the nature and effects of such defects.

Section 2. -- Tests for metabolic defects. -- (1) It shall be the duty of:

(a) The chief medical staff officer or other person in charge of each institution caring for newborn infants; or

(b) If a newborn infant is not born in an institution or is discharged therefrom prior to the time prescribed for the taking of the specimen hereinafter designated, the person responsible for the signing of the birth certificate of such child; to cause to be obtained from every such infant a specimen, of the type designated by the state board of health, which specimen shall be forwarded to the state department of public health or other laboratory approved by it for testing for phenylketonuria and testing for such other metabolic defects which may be prescribed from time to time by the state board of health to be conducted with respect to such specimen.

(2) The state board of health shall have the duty to prescribe from time to time effective tests and examinations designed to detect phenylketonuria and such other metabolic disorders or defects likely to cause mental retardation as accepted medical practice shall indicate.

(3) The performance of such tests and the reporting of results shall be done at such times, places, and in such manner as may be prescribed by the state department of public health.

(4) It shall be the duty of the state department of public health to contact as soon as possible all cases suspected of having any such disorders or defects and to do any additional testing required to confirm or disprove the suspected disorder or defect.

Colorado - 2

Section 3. -- Rules and regulations. -- (1) The state board of health shall promulgate rules and regulations concerning the obtaining of samples or specimens from newborn infants required for the tests prescribed by the state board of health, for the handling and delivery of the same, and for the testing and examination thereof to detect phenylketonuria or other metabolic disorders found likely to cause mental retardation.

(2) The state department of public health shall furnish all physicians, public health nurses, hospitals, maternity homes, and departments of public welfare, available medical information concerning the nature and effects of phenylketonuria and other metabolic disorders and defects found likely to cause mental retardation.

Section 4. -- Exceptions. -- Nothing in the provisions of this act shall be construed to require the testing or medical treatment for the minor child of any person who is a member of a well-organized church or religious denomination, and whose religious convictions in accordance with the tenets or principles of his church or religious denomination are against medical treatment for disease or physical defects.

Section 5. -- Appropriation. -- There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to the state department of public health, the sum of fifteen thousand dollars (\$15,000), or so much thereof as may be necessary, to be expended for the detection and control of metabolic disorders and defects in Colorado. Said moneys appropriated under this act shall become available immediately upon the passage of this act and shall remain available through June 30, 1966.

Section 6. -- Safety clause. -- The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 28, 1965.

CONNECTICUT

Conn. Gen. Stat. Ann. Sec. 19-21a (Cum. Supp. 1965)

Sec. 19-21a. Tests of infants for phenylketonuria

(a) The administrative officer or other person in charge of each institution caring for infants twenty-eight days or less of age shall cause to have administered to every such infant in its or his care a test for phenylketonuria and such other tests for inborn errors of metabolism as shall be prescribed by the state department of health. Said department shall adopt regulations specifying the abnormal conditions to be tested for, the manner in which the tests are to be performed and the manner of recording and reporting results.

(b) The provisions of this section shall not apply to any infant whose parents object to the test or treatment as being in conflict with their religious tenets and practice. (1965, P.A. 108, Secs. 1, 2, eff. Jan. 1, 1966.)

FLORIDA

Fla. Stat. Sec. 383.15 (Cum. Supp. 1965) (codified as Sec. 383.14)

Sec. 383.14. Testing for metabolic disorders of infants

It shall be the duty of the Florida state board of health to promote the testing of all infants for phenylketonuria and other metabolic disorders known to result in significant impairment of health or intellect, when such tests become available and practical in the judgment of the state health officer and to keep a record of said tests. These tests shall be performed at such times and in such manner as may be prescribed by the state board of health. Laws 1965, c. 65-519, Sec. 1, eff. June 25, 1965.

GEORGIA

Code of Ga. Secs. 88-1201.1 to 88-1201.2 (CCH 1966 New Laws 161)

Sec. 88-1201.1. Rules and Regulations for Tests for Phenylketonuria. The Department of Health shall promulgate appropriate rules and regulations governing tests for phenylketonuria so that as nearly as possible all newborn infants shall receive a test for phenylketonuria as soon after birth as successful treatment for such condition may be initiated. Provided, however, the provision of this section shall not apply to any infant whose parents object thereto on the grounds that such tests and treatment conflict with their religious tenets and practices.

Sec. 88-1201.2. Rules and Regulations for Other Tests. The Department of Public Health is authorized and directed, by and through its board, to adopt rules and regulations relative to other inborn errors of metabolism and any other conditions which may be indicated as a result of medical research and findings which would, if left to run their course, militate against the health of the citizens of this State.

HAWAII

Sess. Laws of Hawaii Act 19 (1965)

A Bill for an Act Relating to Phenylketonuria Testing.

SECTION 1. Declaration of purpose. The purpose of this Act is to establish a systematic method of detecting and combating a genetic defect causing phenylketonuria. This condition commonly known as PKU is the result of an inborn error of metabolism and usually produces such severe and irreversible brain damage in young children that life-long institutionalization is required. If found and treated within the first two weeks of life, mental retardation is prevented.

SECTION 2. Chapter 46, Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding thereto a new section to be appropriately designated, and to read as follows:

"Sec. 46- . Test for phenylketonuria. The physician, midwife, or other person attending a newborn child shall cause a phenylketonuria test to be administered to the child; provided, that this section shall not apply if the parents, guardian or other person having the custody or control of such child objects thereto on the grounds that such test conflicts with their religious tenets and practices.

"The department of health shall adopt rules and regulations to carry out the purposes and provisions of this section, including, but not limited to, administration of phenylketonuria tests, keeping of records and related data, and reporting of positive tests results."

SECTION 3. This Act shall take effect upon its approval. (Approved May 4, 1965.) H.B. 881.

IDAHO

Idaho Code Secs. 39-909 to -912 (Cum. Supp. 1965)

Sec. 39-909. Tests for phenylketonuria and preventable diseases in newborn infants. -- It shall be the duty of the administrative officer or other person in charge of each hospital or other institution caring for newborn infants and the person responsible for the registration of the birth of such infant under section 39-256, to cause to have administered to every newborn infant in its or his care a test for phenylketonuria and such other tests for preventable diseases as prescribed by the state board of health. The person administering such tests shall make such reports of the results thereof as required by the state board of health. (1965, ch. 223, Sec. 1, p. 510.)

Sec. 39-910. Duties of state board of health in enforcing act. -- It shall be the duty of the state board of health:

1. To enforce the provisions of this act.
2. To prescribe what tests shall be made for preventable diseases in addition to the test for phenylketonuria.
3. To make and publish rules prescribing the time and manner of administering tests required by this act.
4. To furnish copies of this act and the rules promulgated hereunder to physicians, hospitals or other institutions or persons required by this act to have tests administered to newborn infants.
5. To maintain a record of all infants found to have phenylketonuria or other preventable diseases and to supervise local health agencies in the treatment and cure of such infants.
6. To disseminate information and advice to the public concerning the dangers and effects of phenylketonuria and other preventable diseases and their detection and treatment. (1965, ch. 223, Sec. 2, p. 510.)

Sec. 39-911. Violations -- Penalty. -- Any person who violates the provisions of this act or rules promulgated by the state board of health thereunder, shall be guilty of a misdemeanor. (1965, ch. 223, Sec. 3, p. 510.)

Idaho - 2

Sec. 39-912. Exemption because of religious belief. -- The provisions of this act shall not apply to any child whose parent or guardian objects thereto on the grounds that it conflicts with the tenets or practices of a recognized church or religious denomination of which said parent or guardian is an adherent or member. (1965, ch. 223, Sec. 4, p. 510.)

ILLINOIS

Ill. Stat. Ann. ch. 91 Secs. 113f-113h (Cum. Supp. 1965)

PHENYLKETONURIA

Sec. 113f. Rules and regulations

The Illinois Department of Public Health shall promulgate and enforce rules and regulations requiring that every newborn be subjected to a test for phenylketonuria and such other metabolic diseases as the Department may deem necessary from time to time. The Department is empowered to promulgate such additional rules and regulations as are found necessary for the administration of this Act, including mandatory reporting of the results of all tests for these conditions to the Illinois Department of Public Health.

Sec. 113g. Department of Public Health -- Powers and duties

The Department of Public Health shall: administer the provisions of this Act and shall:

(a) Institute and carry on an intensive educational program among physicians, hospitals, public health nurses and the public concerning the disease phenylketonuria and other metabolic diseases. This educational program shall include information about the nature of the disease and examinations for the detection of the disease in early infancy in order that measures may be taken to prevent the mental retardation resulting from the disease.

(b) Maintain a registry of cases including information of importance for the purpose of follow-up services to prevent mental retardation.

(c) Supply the necessary treatment product where practicable for diagnosed cases for as long as medically indicated, when the product is not available through other State agencies.

(d) Arrange for or provide public health nursing, nutrition and social services and clinical consultation as indicated.

Sec. 113h. Objections of parent or guardian

The provisions of this Act shall not apply when parent or guardian of the child objects thereto on the grounds that such test conflicts with his religious tenets and practices. A written statement of such objection shall be presented to the physician or other person whose duty it is to administer and report such tests under the provisions of this Act.

(Laws of 1965, p. 284)

INDIANA

Ann. Ind. Stat. Secs. 35-241 to -245 (Cum. Supp. 1965)

Sec. 35-241. Phenylketonuria -- Examination of infants -- Religious objection. -- It is hereby deemed to be a matter of public policy of the state of Indiana that in the interest of public health every infant shall be given examinations at the earliest feasible time for the detection of the disease phenylketonuria and/or other inborn errors of metabolism, in order to prevent mental retardation which results from this disease; Provided that, If parents, or a parent of an infant shall object, in writing, for reasons pertaining to their religious beliefs only, then said infant shall be exempt from the provisions of this act. (Acts 1965, ch. 81, Sec. 1, p. 117.)

Sec. 35-242. Educational program by board. -- The state board of health shall institute and carry on an intensive educational program among physicians, hospitals, public health nurses and the public concerning the disease phenylketonuria and other inborn errors of metabolism. This educational program shall include information about the nature of these diseases and examinations for the detection of these diseases in infancy in order that measures may be taken to prevent the mental retardation resulting from these diseases. (Acts 1965, ch. 81, Sec. 2, p. 117.)

Sec. 35-243. Appropriate tests determined and requested. -- The state board of health shall, with the advice of medical authorities, determine and request appropriate tests to be used in the detection of phenylketonuria and/or other inborn errors of metabolism. (Acts 1965, ch. 81, Sec. 3, p. 117.)

Sec. 35-244. Plans and procedures promoted by boards. -- The state board of health and all local boards of health shall encourage and promote the development of plans and procedures for the detection of phenylketonuria and other inborn errors of metabolism in all local health jurisdictions of the state. (Acts 1965, ch. 81, Sec. 3a, p. 117.)

Sec. 35-245. State board duties -- Provide forms -- Receive reports -- Report findings -- Promulgate rules and regulations. -- The state board of health shall provide forms on which the result of tests performed on each child for these diseases shall be reported to the state board of health by physicians and hospitals, and shall at least ascertain quarterly the extent of such testing and those findings shall be reported to all hospitals, physicians and other groups interested in child welfare. The state board of health shall have the power to promulgate the rules and regulations for the implementation of the intent of this act. (Acts 1965, ch. 81, Sec. 4, p. 117.)

IOWA

Iowa Code Ann. Sec. 135.31 (Cum. Supp. 1965)

Sec. 135.31. Test for phenylketonuria

It is hereby declared to be the policy of this state that every infant born within the borders of Iowa shall, insofar as practicable, be tested for the presence of the disease known as phenylketonuria within a reasonable period following birth. It shall be the responsibility of the state department of health to implement this policy at such time and with such rules and regulations as the commissioner of public health deems advisable. All state, county, and city health or welfare agencies shall cooperate and participate in the implementation of this Act and such rules and regulations, when requested by the commissioner of public health. Added Acts 1965 (63 G.A.) ch. 157, Sec. 1.

KANSAS

Laws of Kan. 1965, ch. 388

TESTING INFANTS FOR PHENYLKETONURIA

SECTION 1. The state department of health shall: (a) Institute and carry on an intensive educational program among physicians, hospitals, public health nurses and the public concerning the disease phenylketonuria. This educational program shall include information about the nature of the disease and examinations for the detection of the disease in early infancy in order that measures may be taken to prevent the mental retardation resulting from the disease. (b) Provide recognized phenylketonuria screening, diagnostic and treatment control tests for which laboratory services are required and such screenings and tests when made at the laboratory of the state board of health shall be made without charge. (c) Maintain a registry of cases including information of importance for the purpose of follow-up services to prevent mental retardation. (d) Provide the necessary treatment product for diagnosed cases for as long as medically indicated, when the product is not available through other state agencies.

SEC. 2. It shall be the duty of the administrative officer or other person in charge of each institution or the attending physician, caring for infants twenty-eight (28) days or less of age to cause to have administered to every such infant or child in its or his care a test for phenylketonuria in accordance with rules or regulations prescribed by the state board of health. Testing and the recording of the results of such tests shall be performed at such times and in such manner as may be prescribed by such board.

SEC. 3. The provisions of this section shall not apply to any infant whose parents object thereto on the grounds that such tests and treatment conflict with their religious tenets and practices.

SEC. 4. Every physician having knowledge of a case of phenylketonuria in one of his own patients shall report said case to the state department of health on forms provided by that department.

SEC. 5. This act shall take effect and be in force from and after its publication in the official state paper.

Approved April 12, 1965.

KENTUCKY

Ky. Reg. Sess. House Bill No. 164, app. Mar. 23, 1966
(CCH 1966 New Laws 225)

AN ACT relating to testing infants for inborn errors of metabolism.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) The administrative officer or other person in charge of each institution caring for infants twenty-eight days or less of age and the person required in pursuance of the provisions of KRS 213.050(1) shall register the birth of a child, and cause to have administered to every such infant or child in its or his care a test for inborn errors of metabolism in accordance with rules or regulations prescribed by the Commissioner of Health. Testing and the recording of the results of such tests shall be performed at such times and in such manner as may be prescribed by the Commissioner of Health.

(2) Nothing in this Act shall be construed to require the testing of any child whose parents are members of a nationally recognized and established church or religious denomination, the teachings of which are opposed to medical tests, and who object in writing to the testing of such child on that ground.

Approved, March 23, 1966

LOUISIANA

La. Stat. Ann. ch. 40, Secs. 1299-1299.3 (1965)

Sec. 1299. Program for combating phenylketonuria

The State Board of Public Health and/or the State Department of Public Health are hereby authorized and directed to establish, maintain and carry out a program designed to combat mental retardation in children suffering from a genetic defect which causes phenylketonuria. The State Department of Public Health is authorized to adopt rules and regulations necessary to carry out any program which may be established. The said department shall establish and maintain a diagnostic laboratory for conducting experiments, projects and other undertakings as may be necessary to develop tests for the early detection of phenylketonuria, for developing ways and means or discovering methods to be used for the prevention and treatment of phenylketonuria in children, and for such other purposes as may be deemed necessary by the said department to carry out any program adopted under the authority of this Part. Acts 1964, No. 269, Sec. 1.

Sec. 1299.1. Tests

The physician attending a newborn child, or the person attending a newborn child that was not attended by a physician, shall cause said child to be subjected to a phenylketonuria test that has been approved by the State Department of Public Health; provided, however, no such test shall be given to any child whose parents object thereto on the grounds that such tests conflict with their religious tenets and practices. If the test is positive the attending physician or person shall notify the State Department of Public Health. The State Department of Public Health shall follow-up all positive tests with the attending physician who notified the department thereof and with the parents of the newborn child when such notification was made by a person other than a physician, and, when confirmed, the services and facilities of the said state department of public health, and those of other state boards, departments and agencies cooperating with the Department of Public Health in carrying out the program shall be made available to the extent needed by the family and physician. The State Department of Public Health and the other state departments and agencies cooperating with it shall, in cooperation with the attending physician, provide for the continued medical care, dietary and other related needs of such children, where necessary or desirable. Acts 1964, No. 269, Sec. 2.

Louisiana - 2

Sec. 1299.2 Cooperation with State Board and Department of
Public Health

The various boards, commissions, departments and agencies of the state and the parishes, municipalities and other political subdivisions capable of assisting or having services and facilities for assisting the State Board of Health and/or Department of Health in carrying out any program established under the authority of this Part may cooperate with the State Board of Public Health and the State Department of Public Health and may furnish any such services and facilities in aid of any such program. Acts 1964, No. 269, Sec. 3.

Sec. 1299.3 Cooperation of physicians and hospitals

The State Board of Health may invite the cooperation of all physicians and hospitals in the state which provide maternity and newborn infant care to participate in any program established by the said board and/or the State Department of Public Health under the authority of this Part. Acts 1964, No. 269, Sec. 4.

MAINE

Me. R. S. tit. 22, Sec. 1522 (Supp. 1965)

Sec. 1522. Detection of mental retardation

The department is authorized to require hospitals, maternity homes and other maternity services to test or cause to be tested newborn infants for the presence of metabolic abnormalities which may be expected to result in subsequent mental deficiencies. The department shall promulgate rules and regulations to define this requirement and the approved testing methods, materials, procedure and testing sequences. Reports and records of those making such tests may be required to be submitted to the department in accordance with departmental rules and regulations. The department may, on request, offer consultation, training and evaluation services to such testing facilities. This section shall not apply if the parents of such child object thereto on the grounds that such test conflicts with their religious tenets and practices. (1965, c. 224.)

MARYLAND

Ann. Code of Md. art. 43, Sec. 38A (1965)

Sec. 38A. Test of newborn child for phenylketonuria.

When a birth occurs in an institution the person in charge of the institution or his designated representative, or in the event that a birth occurs outside an institution, the person required to prepare and file the certificate of birth pursuant to Sec. 17 of this article, shall cause to have administered to every such newborn child a test for phenylketonuria in accordance with rules and regulations prescribed by the State Board of Health and Mental Hygiene. The test and the recording of the results of the test shall be performed at such times and in such manner as the Board may direct. This requirement shall not apply to any child whose parent or parents object to the administration of the test on the grounds that the same would violate their religious beliefs. (1965, ch. 441.)

MASSACHUSETTS

Ann. Laws of Mass. ch. 111, Sec. 110A (Cum. Supp.
to Recomp. Vol. 3B, 1964)

Sec. 110A. Phenylketonuria Test Required of Certain Newborn
Children.

The physician attending a newborn child shall cause said
child to be subjected to a phenylketonuria test.

The department shall make such rules pertaining to such
tests as accepted medical practice shall indicate.

The provisions of this section shall not apply if the
parents of such child object thereto on the grounds that such
test conflicts with their religious tenets and practices.
(Added 1963, 545, approved July 17, 1963, effective 90 days
thereafter.)

MICHIGAN

Mich. Stat. Ann. Secs. 14.565(1) to (4) (Cum. Supp. 1965)

Sec. 14.565(1) Phenylketonuria test; administration; report of results; time for administration. It shall be the duty of any physician in charge at the birth of any infant to administer or cause to be administered a phenylketonuria test approved by the state health commissioner and to report the results of the test to the parents or guardian of the infant; and such test shall be administered before the infant is discharged from its place of birth or within such time and under such conditions and regulations as shall be prescribed by the state health commissioner.

Sec. 14.565(2) Rules and regulations. The state health commissioner shall promulgate rules and regulations for the enforcement of this act in accordance with the provisions of Act No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.80 of the Compiled Laws of 1948.

Sec. 14.565(3) Violation; misdemeanor. Any person who shall fail to comply with any provision of this act or any rules and regulations promulgated thereunder shall be guilty of a misdemeanor.

Sec. 14.565(4) Effective date. This act shall be effective August 1, 1965.

MINNESOTA

Minn. Stat. Sec. 144.125 (Supp. 1965)

Sec. 144.125. Tests of infants for inborn metabolic errors causing mental retardation

It is the duty of (1) the administrative officer or other person in charge of each institution caring for infants 28 days or less of age and (2) the person required in pursuance of the provisions of Minnesota Statutes, Section 144.159, to register the birth of a child, to cause to have administered to every such infant or child in its or his care tests for phenylketonuria and other inborn errors of metabolism causing mental retardation in accordance with rules or regulations prescribed by the state board of health. Testing and the recording and reporting of the results of such tests shall be performed at such times and in such manner as may be prescribed by the state board of health. The provisions of this section shall not apply to any infant whose parents object thereto on the grounds that such tests and treatment conflict with their religious tenets and practices. Added Laws 1965, c. 205, Sec. 1, eff. July 1, 1965.

MISSOURI

Ann. Mo. Stat. Sec. 210.065 (Supp. 1965)

Sec. 210.065. Infants to be tested for metabolic diseases -- reports -- exceptions -- penalties

1. Every infant who is born in this state shall, prior to the tenth week of life, be subjected to a test for phenylketonuria and such other metabolic diseases as are prescribed by the division of health. The division of health shall make such rules pertaining to such tests as shall be dictated by accepted medical practice, and tests shall be of the types approved by the division of health. The parents, guardian or custodian of all such infants shall cause such tests to be performed through the attending physician, midwife, public health facility or hospital.

2. All physicians, public health nurses and administrators of hospitals shall report the discovery of cases of phenylketonuria and other metabolic defects as designated by the division of health to the division of health.

3. The division of health shall institute and carry on educational programs about phenylketonuria and other metabolic defects and examinations for detecting them for physicians, hospitals, public health nurses and the general public. The division shall prescribe and furnish all necessary reporting forms.

4. The provisions of this section shall not apply if the parents of such child object to the tests or examinations provided herein on the grounds that such tests or examinations conflict with their religious tenets and practices.

5. The parents of any child who fail to have such test or examination administered after notice of the requirement for such test or examination by the physician shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided by law. (Laws 1965, H.B. No. 55)

MONTANA

Rev. Codes of Mont. Secs. 69-3209 to -3210 (Supp. 1965)

Sec. 69-3209. Phenylketonuria test required at birth. It shall be the duty of the administrative officer or other person in charge of each institution caring for new born infants and the person responsible for the registration of the birth of a child to cause to have administered to every such infant in its or his care a test for phenylketonuria in accordance with regulations to be prescribed by the state board of health.

Sec. 69-3210. Rules and regulations for phenylketonuria testing. The state board of health is hereby empowered to adopt and prescribe and promulgate suitable rules and regulations to carry out the purpose of this act. (Laws of 1965, ch. 108.)

NEW HAMPSHIRE

N.H. Rev. Stat. Ann. Secs. 132:10a to 132:10c (Supp. 1965)

Sec. 132:10-a. Phenylketonuria Test Required. The physician and/or hospital attending a newborn child shall cause said child to be subject to a phenylketonuria test.

Sec. 132:10-b. Rules and Regulations. The director of the division of public health services shall make such rules and regulations pertaining to such tests as accepted medical practice shall indicate.

Sec. 132:10-c. Exception. The provisions of sections 10-a and 10-b shall not apply if the parents of such child object thereto. (Laws of 1965, ch. 48.)

NEW JERSEY

N. J. Stat. Ann. Secs. 26:2-84 to -85 (Supp. Feb. 1965)

Sec. 26:2-84. Public policy; tests for detection of phenylketonuria in newborn children

It is hereby declared to be the public policy of this State that in the interests of public health every newborn infant should be given a test approved by the State Department of Health for the detection of phenylketonuria, commonly known as "PKU," in order to prevent mental retardation resulting from this disease. No such test shall be made as to any newborn infant if, the parents of said child object thereto on the grounds that such a test would conflict with their religious tenets or practices. L.1964, c. 268, Sec. 1.

Sec. 26:2-85. Laboratory services; educational and training program; rules; fees

The State Department of Health shall institute and carry on such laboratory services as are deemed necessary by the Public Health Council and an intensive educational and training program among physicians, hospitals, public health nurses and the public concerning the disease of phenylketonuria. This program shall include information concerning the nature of the disease and testing for the detection of this disease in infancy in order that measures may be taken to prevent mental retardation resulting from this disease. The State Commissioner of Health shall make rules governing the submission to the State Laboratory of specimens for PKU testing and may fix fees to be charged and collected therefor. L.1964, c. 268, Sec. 2.

NEW MEXICO

N. Mex. Stat. Secs. 12-1-24 to 12-1-26 (1966 Int. Supp.)

12-1-24. Tests for the detection of phenylketonuria in newborn children -- Public policy. -- It is hereby declared to be the public policy of this state that in the interests of public health every newborn infant should be given a test approved by the state department of public health for the detection of phenylketonuria, commonly known as "PKU," in order to prevent mental retardation resulting from this disease. No such test shall be made as to any newborn infant if the parents or guardians of said child object in writing thereto. (Laws 1966, ch. 33, Sec. 1.)

12-1-25. Laboratory services -- Educational program. -- The state department of public health shall institute and carry on such laboratory services as are deemed necessary by the state board of public health and an educational program among physicians, hospitals, public health nurses and the public concerning the disease of phenylketonuria. This program shall include information concerning the nature of the disease and testing for the detection of this disease in infancy in order that measures may be taken to prevent mental retardation resulting from this disease. (Laws 1966, ch. 33, Sec. 2.)

12-1-26. PKU advisory committee created -- Membership -- Duties. -- A PKU advisory committee is created. The committee shall consist of representatives from organizations who have displayed an interest in the problem. The committee shall be appointed by the state health director. The committee shall advise with the state health director and the state board of public health in the implementation of this act (12-1-24 to 12-1-26). The committee members shall serve without pay. (Laws 1966, ch. 33, Sec. 3.)

NEW YORK

N. Y. Public Health Law Sec. 2500-a (Supp. 1965)

Sec. 2500-a. Test for phenylketonuria

It shall be the duty of (1) the administrative officer or other person in charge of each institution caring for infants twenty-eight days or less of age and (2) the person required in pursuance of the provisions of section forty-one hundred thirty of this chapter to register the birth of a child, to cause to have administered to every such infant or child in its or his care a test for phenylketonuria in accordance with rules or regulations prescribed by the commissioner. Testing and the recording of the results of such tests shall be performed at such times and in such manner as may be prescribed by the commissioner. Added L.1964, c. 785, eff. Jan. 1, 1965.

OHIO

Ohio Rev. Code Sec. 3701.501 (Supp. 1965)

Sec. 3701.501. Phenylketonuria test required for newborn child

(A) The person required to file a certificate of birth under section 3705.14 of the Revised Code shall cause such newborn child to be tested to determine the presence of phenylketonuria in accordance with regulations adopted by the public health council pursuant to Chapter 119. of the Revised Code. Regulations adopted by the public health council also shall prescribe laboratory methods and other procedures for the detection of phenylketonuria.

(B) Division (A) of this section does not apply if the parents of such child object thereto on the grounds that such test conflicts with their religious tenets and practices. (Laws of Ohio, Vol. 131, S. 19 (1965))

OKLAHOMA

Okla. Stat. Ann. 63 Secs. 1-533 to 534 (Supp. 1965)

Sec. 1-533. Phenylketonuria and related inborn metabolic disorders -- Educational program

The State Board of Health shall institute and carry on an intensive educational program among physicians, hospitals, public health nurses, and the public concerning phenylketonuria and related inborn metabolic disorders. This educational program shall include information about the nature of the diseases and examinations for the detection of the diseases in infancy in order that measures may be taken to prevent the mental retardation resulting from these diseases. Laws 1965, c. 252, Sec. 1.

Sec. 1-534. Tests

The State Board of Health shall make such rules and regulations pertaining to such tests as accepted medical practice shall indicate, and is authorized to make such testing mandatory if sufficient evidence exists that the public has been negligent in accepting such practice and if the Board considers it in the public interest to do so. The State Board of Health is hereby authorized to set up laboratory facilities and use existing facilities for the performance of examinations and tests for the detection of these diseases and make a reasonable charge therefor; provided, however, that no child shall be denied such laboratory work or tests because of the inability of its parents or guardian to pay therefor. Provided, further, that the State Board of Health may approve other laboratories for the performance of such tests; provided that the provisions of this Section shall not apply to any infant whose parents object thereto on the grounds that such examination conflicts with their religious tenets and practices. Laws 1965, c. 252, Sec. 2.

OREGON

Ore. Rev. Stat. Secs. 433.285 to 433.295 (1965)

Control of Phenylketonuria

Sec. 433.285. Policy to control phenylketonuria. It hereby is declared to be a matter of public policy of the State of Oregon that in the interest of public health and the prevention of mental retardation, every infant, before becoming two weeks of age, should be given tests approved by the State Board of Health for the detection of the disease of phenylketonuria. (1963, c. 190 Sec. 1; 1965, c. 88 Sec. 1)

Sec. 433.290. Board to conduct educational program concerning phenylketonuria. The State Board of Health shall institute and carry on an intensive educational program among physicians, hospitals, public health nurses and the public concerning the disease of phenylketonuria. This educational program shall include information concerning the nature of the disease and examinations for the detection of the disease in infancy in order that measures may be taken to prevent the mental retardation resulting from the disease. (1963, c. 190 Sec. 2)

Sec. 433.295. Report of cases required; forms to be furnished.
(1) All physicians, public health nurses and the administrators of hospitals shall report the discovery of cases of phenylketonuria to the State Board of Health.

(2) The State Board of Health shall furnish all physicians, public health nurses and hospitals forms on which the result of tests for phenylketonuria shall be reported to the State Board of Health. (1963, c. 190 Sec. 3)

PENNSYLVANIA

Pa. Stat. 35 Sec. 621 (Supp. 1965)

INFANTS

METABOLIC DISEASES

Sec. 621. Tests, new born infants

Every hospital or other institution caring for newborn infants, or any physician having in his care newborn infants shall administer or cause to be administered to every such infant in its or his care a test for phenylketonuria approved by the Advisory Health Board of the State Department of Health and tests for such other metabolic diseases of the newborn which may lead to mental retardation or physical defects and which may be approved by such Advisory Health Board. No such test shall be made if the parent or guardian of the newborn child dissents on the ground that the test conflicts with his religious beliefs or practices. (Laws of 1965, Act No. 251)

RHODE ISLAND

Gen. Laws. Of R.I. Sec. 23-13-12 (Supp. 1965)

Sec. 23-13-12. Phenylketonuria test. -- The physician attending a newborn child shall cause said child to be subject to a phenylketonuria test. The department of health shall make such rules pertaining to such tests as accepted medical practice shall indicate. The provisions of this section shall not apply if the parents of such child object thereto on the grounds that such test conflicts with their religious tenets and practices. (Laws of 1964, ch. 173)

SOUTH CAROLINA

Code of Laws of S. C. Sec. 32-555.1 (Supp. 1965)

Sec. 32-555.1. Testing infants for phenylketonuria. -- Every child born in any hospital licensed by the State Board of Health shall have a test for phenylketonuria. Testing and the recording of the results of the tests shall be performed at such times and in accordance with such rules and regulations as may be prescribed by the Board.

Provided, children of parents objecting to this test on religious grounds shall not be given this test. (1965 (54) 641.)

TEXAS

Civ. Stat. of Texas art. 4447e (Supp. 1965)

Art. 4447e. Phenylketonuria

Section 1. The State Department of Health shall establish, maintain, and carry out a program designed to combat mental retardation in children suffering from a genetic defect which causes phenylketonuria. The State Department of Health is authorized to adopt regulations necessary to carry out the program. The Department shall establish and maintain a diagnostic laboratory for conducting experiments, projects, and other undertakings necessary to develop tests for the early detection of phenylketonuria; for developing ways and means or discovering methods to be used for the prevention and treatment of phenylketonuria in children; and for such other purposes considered necessary by the Department to carry out the program.

Sec. 2. The physician attending a newborn child, or the person attending a newborn child that was not attended by a physician, shall cause the child to be subjected to the phenylketonuria test that has been approved by the State Department of Health. Providing, however, that such test shall not be given to any child whose parents or guardian object thereto on the grounds that such tests conflict with their religious tenets or practices. Provisions of this Act are mandatory with the exception above-stated: however, no physician, technician, or person giving such test shall be liable or responsible because of the failure or refusal of the parent or guardian to give permission or consent to tests herein provided. The county health officer shall follow up all positive tests with the attending physician who notified such officer or with the parent of the newborn child if such notification was made by a person other than a physician. When a positive test is confirmed, the services and facilities of the State Department of Health, and those of other boards, departments, agencies, and political subdivisions of the State cooperating with the Department in carrying out the program, shall be made available to the extent needed by the family and physician. The State Department of Health and the other departments, boards, agencies, and political subdivisions of the State cooperating with it shall, in cooperation with an attending physician, provide for the continued medical care, dietary, and other related needs of such children where necessary or desirable.

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Sec. 3. The various boards, departments, agencies and political subdivisions of the State capable of assisting the State Department of Health in carrying out any program established under the authority of this Act may cooperate with the department and are encouraged to furnish their services and facilities in aid of any such program.

Sec. 4. The State Department of Health may invite the cooperation of all physicians and hospitals in the state which provide maternity and newborn infant care to participate in any program established by the Department under the authority of this Act. Acts 1965, 59th Leg., p. 506, ch. 262.

UTAH

Utah Code Ann. Secs. 26-17-21 to -22 (Supp. 1965)

Sec. 26-17-21. PKU tests of newborn infants -- Board of health to establish rules and regulations. -- The state board of health shall establish rules and regulations requiring each newborn infant to be tested for the presence of phenylketonuria (PKU) and other metabolic diseases which may result in mental retardation or brain damage and for which a preventive measure or treatment is available and for which a laboratory diagnostic test method has been found reliable.

Sec. 26-17-22. Violation of rules and regulations -- Misdemeanor. -- Any violation of the rules and regulations promulgated under this act by the board of health shall be a misdemeanor. (Laws of 1965, ch. 49) (Effective July 1, 1965)

VIRGINIA

Code of Va. Secs. 32-112.1 to 32-112.9 (Cum. Supp. 1966)

Sec. 32-112.1. Infants to be subjected to tests; parent, guardian, etc., to cause tests to be made. -- Every infant who is born in this State shall be subjected to a test for phenylketonuria in order to prevent mental retardation. The parent, guardian, or other person having control or charge of any infant at childbirth shall cause such tests to be performed through the attending physician, public health facility, or hospital. (1966, c. 179.)

Sec. 32-112.2. State Board of Health to adopt regulations and procedures, prescribe tests and examinations. -- The State Board of Health shall adopt regulations and procedures to establish, maintain, and carry out an intensive public education program concerning phenylketonuria designed to detect said disorder, and shall prescribe effective tests and examinations for phenylketonuria as accepted medical practice shall indicate. (1966, c. 179.)

Sec. 32-112.3. Rules and regulations of State Board of Health. -- The State Board of Health shall promulgate rules and regulations concerning the obtaining of samples or specimens from newborn infants required for the tests prescribed by the State Board of Health, for the handling and delivery of the same, and for the testing and examination thereof to detect phenylketonuria. (1966, c. 179.)

Sec. 32-112.4. State Health Department to notify parent, guardian, etc., of necessity for test; performance of tests and reporting of results. -- The State Health Department shall notify the parent, guardian or other person having control or charge of any infant at childbirth of the necessity for such tests. The performance of such tests and the reporting of results shall be done at such times, places and in such manner as may be prescribed by the State Health Department, which shall prescribe and furnish all necessary reporting forms. (1966, c. 179.)

Sec. 32-112.5. State Health Department to contact suspected cases; reports by physicians, public health nurses, etc. -- The State

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Health Department shall contact as soon as possible all cases suspected of having any such disorders or defects and do any additional testing required to confirm or disprove the suspected disorder or defect. All physicians, public health nurses and administrators of hospitals in this State shall report the discovery of all cases of phenylketonuria to the State Health Department. (1966, c. 179.)

Sec. 32-112.6. Further treatment of infants found to have phenylketonuria. -- The State Board of Health shall recommend procedures for the further treatment of all infants who are detected to have phenylketonuria. (1966, c. 179.)

Sec. 32-112.7. State Health Department to contact cases to which tests not administered. -- The State Health Department on forms prescribed by it shall contact all cases which it has reason to believe have not been administered such tests in order to cause such tests to be administered. (1966, c. 179.)

Sec. 32-112.8. State Health Department to furnish information concerning phenylketonuria. -- The State Health Department shall furnish all physicians, public health nurses, hospitals, maternity homes, State and local welfare departments and agencies, and the general public, available medical information concerning the nature and effects of phenylketonuria. (1966, c. 179.)

Sec. 32-112.9. Tests not to be given where parent or guardian objects on religious grounds. -- Such test shall not be given to any infant whose parent or guardian objects thereto on the grounds that such test conflicts with his religious practices or tenets. (1966, c. 179.)

WEST VIRGINIA

W. Va. Code Secs. 1409(161) - (166) (Cum. Supp. 1965)

Article 22. Detection and Control of Phenylketonuria in New-born Children.

Sec. 1409(161). (1) Findings. -- The legislature finds that phenylketonuria, a genetic defect affecting body metabolism, is usually associated with mental retardation. Laboratory tests are readily available to aid in the detection of this disease and its hazards to health of those suffering thereof may be lessened or prevented by early detection and treatment. Damage from the disease, if untreated in the early months of life, is usually rapid and not appreciably affected by treatment. (1965, c. 136.)

Sec. 1409(162). (2) Program to Combat Mental Retardation; Rules and Regulations; Facilities for Making Tests. -- The State department of health is hereby authorized to establish and carry out a program designed to combat mental retardation in our State's population due to phenylketonuria, and may adopt reasonable rules and regulations necessary to carry out such a program. The department of health shall establish and maintain facilities at its State hygienic laboratory for testing specimens for the detection of phenylketonuria. Tests shall be made by such laboratory of specimens upon request by physicians, hospital medical personnel and other individuals attending newborn infants. The State department of health is authorized to establish additional laboratories throughout the State to perform tests for the detection of phenylketonuria. (1965, c. 136.)

Sec. 1409(163). (3) Tests for Phenylketonuria; Reports; Assistance to Afflicted Children. -- The physician attending a newborn child or any person attending a newborn child not under the care of a physician may cause to be made a test for phenylketonuria approved by the State department of health. Any test found positive for phenylketonuria shall be promptly reported to the State department of health by the director of the laboratory performing such test.

The State department of health, in cooperation with other State departments and agencies, and with attending physicians, is authorized to provide medical, dietary and related assistance to children determined to be afflicted with phenylketonuria. (1965, c. 136.)

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Sec. 1409(164). (4) Penalties for Violation of Provisions of This Article. -- Any person violating the provisions of this article shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than twenty-five nor more than fifty dollars. Violation of each such provision shall be considered a separate offense. (1965, c. 136.)

Sec. 1409(165). (5) Severability. -- If any provision or item of this article or application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this article. (1965, c. 136.)

Sec. 1409(166). (6) Effective Date. -- The effective date of this article shall be July one, one thousand nine hundred sixty-five. (1965, c. 136.)

WISCONSIN

Wisc. Stat. Ann. Sec. 146.02 (West's Wisc. Leg. Serv. 779 (1966))

Sec. 146.02. Tests for mental retardation

(1) The attending physician shall cause every infant born in each hospital or maternity home, prior to its discharge therefrom, to be subjected to a test for phenylketonuria and such other causes of mental retardation under sub. (2) as the state board of health directs.

(2) The tests to be performed shall be determined by the state board of health and shall be performed in such regional laboratories as the state board of health approves for this purpose, in accordance with rules prescribed by the board.

(3) This section shall not apply if the parents of the child object thereto on the grounds that the test conflicts with their religious tenets and practices. (Laws 1965 Reg. Sess. ch. 372. Effective Jan. 1, 1966)